

4521. Alleged misbranding of "Sul-Ferro-Sol." U. S. * * * v. 11 Dozen * * * and 4 Dozen * * * Bottles of * * * "Sul-Ferro-Sol." Tried to the court. Judgment for claimant of product. Libel ordered dismissed. (F. & D. No. 6692. I. S. No. 3328-k. S. No. E-342.)

On July 8, 1915, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure of 11 dozen small size and 4 dozen large size bottles of a product known as "Sul-Ferro-Sol," remaining unsold in the original unbroken packages at Greenville, S. C., alleging that the article had been shipped by the Sul-Ferro-Sol Co., Birmingham, Ala., on March 31 and April 13, 1915, and transported from the State of Alabama into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled: "Sul-Ferro-Sol the most wonderful nerve tonic and blood purifier ever discovered. This wonderful compound is of exceptional value in the treatment of Pellagra, Dyspepsia, Indigestion, Colic, Cholera, Diarrhœa, Cholera Morbus, Flux, Loss of Appetite, Rheumatism, Eczema and Female Complaint. When used according to directions in the above diseases satisfaction is guaranteed, Dose * * * See circular for special directions. Price \$1.00. Guaranteed by Sul-Ferro-Sol Company, under the Food and Drugs Act, June 30th, 1906. Serial No. 50883. Prepared by Sul-Ferro-Sol Company, Birmingham, Ala." (Bottle label, in part) "The most wonderful nerve tonic and blood purifier. This wonderful compound is of exceptional value in the treatment of pellagra, dyspepsia, indigestion, colic, cholera, diarrhœa, cholera morbus, flux, loss of appetite, rheumatism, eczema and female complaint. When used according to directions for the above diseases, satisfaction is guaranteed." (Carton, in part) "This remedy has been very successful for pellagra. Positive guarantee * * *. Sul-Ferro-Sol is guaranteed to give satisfaction and do what we claim for it." (Circular) "The greatest and most successful remedial agent known to mankind * * * has given relief and satisfaction where all human agencies have failed * * * best remedy in the world for all skin diseases—tetter, eczema, ringworm, itch, for colic or botts in horses * * * for hog cholera, for chicken cholera, for rheumatism in horses * * * nervous indigestion cured * * * greatest remedy in the world * * * when I had used four bottles of Sul-ferro-sol I was well * * * completely cured of pellagra * * * declared to be pellagra * * *." (Booklet) "This wonderful compound has been found to begin at the seat of trouble always and to eradicate first causes * * *. The following list of diseases for which Sul-Ferro-Sol has been confidently recommended are only those in which substantial relief and cures have been derived * * *. Blood impurities, blood purifier, dyspepsia, and indigestion * * * healing the irritated walls of the stomach, purifying and strengthening the gastric juices, aiding the dissolution and assimilation of the food * * *."

It was alleged in the libel that analysis of the product showed that it contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed on the bottle label, testimonials, circulars, booklets, and cartons hereinbefore set out (and referred to). It was further alleged that said marks, brands, labels, figures, testimonials, circulars, cartons, and booklets aforesaid were misleading, false, and fraudulent, and that the product was misbranded regarding the curative and therapeutic effects thereof, or any of the ingredients contained therein, and that said product would not produce the curative and therapeutic effects set forth and claimed for it as aforesaid.

On December 15, 1915, the case having come on for trial before the court without the intervention of a jury, evidence was introduced by the Government and the Sul-Ferro-Sol Co., claimant, and at the conclusion thereof the case was argued by counsel and taken under advisement by the court. On January 15, 1916, a finding was made in favor of the contentions of the claimant company, and the libel was ordered dismissed by the court.

CARL VROOMAN, *Acting Secretary of Agriculture.*